



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

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To: The Monroe County Planning Commission
From: Joseph Haberman, Principal Planner
Through: Townsley Schwab, Sr. Director of Planning & Environmental Resources
Date: March 23, 2009
Subject: *Request for an Exemption from the NROGO by South Florida Council of the Boy Scouts of America, concerning property located at 33990 US 1, West Summerland Key, Mile Marker 34, Real Estate No. 00106030.000000*

Meeting: March 25, 2009

I REQUEST:

The applicant is requesting an exemption of 4,113 ft² of non-residential floor area from the Non-Residential Rate of Growth Ordinance (NROGO) permit allocation system by the Craig Company, on behalf of the South Florida Council of the Boy Scouts of America, pursuant to Policy 101.3.4 of the Year 2010 Comprehensive Plan.



Subject Property (outlined in blue), West Summerland (2004)

1 Location:

2
3 Address: 33990 Overseas Highway (US 1), West Summerland Key, mile marker 34
4 (oceanside)

5 Legal Description: Westerly Part of Government Lot 2, Section 32, Township 66 South,
6 Range 30 East

7 Real Estate (RE) Number: 00106030.000000
8

9 Applicant:

10
11 Property Owner: South Florida Council of the Boy Scouts of America

12 Agent: Barbara Mitchell, the Craig Company
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14 II RELEVANT PRIOR COUNTY ACTIONS:
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16 On February 19, 2008, the Planning Commission approved a request by South Florida
17 Council of the Boy Scouts of America for an amendment to the property's major conditional
18 use permit in order to redevelop the site. The approval was memorialized in Resolution No.
19 P12-08, which was filed and recorded on April 24, 2008.
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21 The approved redevelopment plan included demolishing three (3) buildings and several
22 accessory structures; constructing one (1) administration building, which would consist of
23 offices, a dining area and a trading post; constructing one (1) residential counselor building,
24 which would consist of ten (10) rooms to house counselors and a shared bathroom/laundry
25 facility; constructing two (2) affordable employee housing units, which would provide
26 permanent housing for camp personnel and/or a law enforcement officer; improving six (6)
27 existing campsites; constructing several accessory structures, including one (1) amphitheater,
28 six (6) tiki huts and one (1) softball field; and carrying out several other associated site
29 improvements.
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31 Condition 3 of Resolution No. P12-08 states "Prior to the issuance of a building permit, the
32 4,113 ft² of additional non-residential floor area will have to: a) be acquired through the
33 NROGO permit allocation system; b) transferred on-site from an eligible sender site in
34 accordance with §9.5-124.3 of the Monroe County Code; or c) receive an exemption from the
35 NROGO permit allocation system by the BOCC in accordance with Policy 101.3.4 of the
36 Year 2010 Comprehensive Plan."
37

38 III BACKGROUND INFORMATION:
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40 A. Size of Site: 439,246 ft² (10.08 acres)

41 Size of Mangrove Area: 12,675 ft² (0.29 acres)

42 Size of Site Not Including Mangrove Area: 426,571 ft² (9.79 acres)

43 B. Land Use District: Sparsely Settled (SS)

44 C. Future Land Use Map (FLUM) Designation: Institutional (INS)

45 D. Tier Designation: Tier 3

46 E. Flood Zone: VE – EL 12 / AE – EL 10 / AE – EL 8

47 F. Existing Use: Institutional / Campground

- G. Existing Vegetation / Habitat of Site: Developed; however there is a significant area of intact hammock to the Northeast and a significant area of mangrove along the shoreline to the west. In addition, this area of the county is a documented sea turtle nesting area.
- H. Community Character of Immediate Vicinity: The area is comprised of a mixture of institutional uses and undeveloped native area.

IV REVIEW OF APPLICATION:

Pursuant to §138-50(4) of the Monroe County Code (MCC) and Policy 101.3.4 of the Monroe County Year 2010 Comprehensive Plan, non-residential development activity by federally tax exempt not-for-profit organizations may not be affected by the NROGO if an exemption is approved by the BOCC, following a review and finding by the Planning Commission. To be eligible, a not-for-profit organization must be an educational, scientific, health, religious, social, cultural and/or recreational organization which predominately serves the county's permanent population.

Prior to the conditional use permit approval, the following non-residential floor area existed on the property:

Building	Existing Non-Residential Floor Area
1-Sty. C.B.S. Commissary	1,200 ft ²
1-Sty. C.B.S. Restroom & Shower	415 ft ²
Metal Shed	70 ft ²
Metal Shed	144 ft ²
Office Trailer	720 ft ²
Unidentified (whereabouts of floor area not identified in LDRD)	15 ft ²
Total	2,564 ft²

With the conditional use permit approval, the following non-residential floor area was approved to be on property:

Building	Proposed Non-Residential Floor Area
Administration Building	6,245 ft ²
Frame Shed (12 ft x 12 ft)	144 ft ²
Metal Shed (12 ft x 24 ft)	288 ft ²
Total	6,677 ft²

- * The bathroom and laundry facilities (part of the residential counselor building), the amphitheater and the tiki huts are accessory to the institutional residential use and therefore are not subject to the NROGO.

The 2,564 ft² of lawfully-established non-residential floor area may be replaced without going through the NROGO permit allocation system. The 4,113 ft² of additional non-residential floor area will have to: a) be acquired through the NROGO permit allocation system; b) transferred on-site from an eligible sender site; or c) receive an exemption from the NROGO permit allocation system by the BOCC in accordance with Policy 101.3.4 of the Year 2010 Comprehensive Plan.

Pursuant to MCC §138-50(4), the Planning Commission may recommend an exemption from the NROGO if the applicant demonstrates that all of the following standards are met:

Is the non-residential development activity by a federally tax exempt not-for-profit educational, scientific, religious, social, cultural or recreational organization?

Currently, South Florida Council of the Boy Scouts of America is a non-profit entity, as designated by the Internal Revenue Service.

Does the proposed non-residential development activity predominately serve Monroe County's permanent population?

According to its website, the South Florida Council proudly serves over 70,000 young men and women throughout Broward, Miami-Dade and Monroe counties.

The mission of the Boy Scouts of America, is to prepare young people to make ethical and moral choices over their lifetime by instilling in them the values of the Scout Oath and Law.

Is the proposed non-residential development within those areas proposed for acquisition by governmental agencies for the purpose of resource protection?

The proposed non-residential development is designated Tier 3 and is not within an area proposed for acquisition.

V RECOMMENDATION:

Staff recommends APPROVAL with the following condition:

- A. Non-residential floor area exempted under this approval may only be utilized by the Boy Scouts of America and may not be changed to a for-profit use without permit approvals and a NROGO application and receipt of a non-residential floor area allocation for the converted floor area.

VI PLANS REVIEWED:

- A. Site Plan (A-1) by William P. Horn, Architect, dated October 22, 2007 and last revised January 3, 2008
- B. Floor Plan, Administrative Center and Dining Room (A-2) by William P. Horn, Architect, dated October 22, 2007
- C. Floor Plan, Toilet-Showers Building / Staff Housing (A-3) by William P. Horn, Architect, dated October 22, 2007 and last revised January 3, 2008